



MEMORANDUM

TO: City Council

FROM: L. Kimball Payne, III, City Manager

DATE: January 24, 2002

SUBJ: Workplace Violence Policy

At your work session in December Council directed that language under consideration to amend the workplace violence policy be further revised and brought back for its consideration. A copy of my original memorandum on this matter is attached for your reference.

As directed, I have revised the language of Option #2 to remove language prohibiting certain behavior best dealt with outside of a workplace violence policy. I have also included a new clause to allow the keeping of weapons on City property in locked private vehicles for lawful purposes. (See attached Option #2, Amended.) I believe that these revisions reflect Council's thinking as of December 11, 2001.

Since your work session in December, we have explored another option that I have become convinced is a better way to handle this matter. Option #4 is attached for your consideration. This option merely removes the language from the current policy that Council found to be of concern. Rather than explicitly authorizing the possession of weapons on City property by City employees, it deletes the current prohibition. By implication, this would allow lawfully carried weapons on City property.


During our research on this matter we found that localities either addressed the matter of employees carrying weapons on municipal property by prohibiting them outright or they were silent on the matter. We did not discover any example of a locality allowing the carrying of weapons by employees as a matter of policy. I suggest that silence on the matter of carrying weapons, coupled with a prohibition against the improper use of a weapon, is the most appropriate manner to handle this issue. Accordingly, I recommend adoption of Option #4.

CC: Leadership Team
Attachments



MEMORANDUM

TO: City Council

FROM: L. Kimball Payne, III, City Manager 

DATE: December 5, 2001

SUBJ: Workplace Violence Policy

For some time I have been aware of concerns of one or more Council members regarding the City's Workplace Violence Policy (copy attached). Those concerns, as I understand them, are primarily related to the prohibition against City employees "Carrying or concealing a weapon of any kind...on city property.. ." and are both philosophical and practical.

On the philosophical level, it is felt that the prohibition limits the constitutional rights of City employees to bear arms, a right that is not denied to citizens on City property.

On the practical level, several issues have been raised:

- The policy was adopted administratively, without approval by City Council.
- Employees who might have plans for completely legal activities after normal working hours (e.g., hunting or a job as a security guard) are prohibited from keeping a weapon in their private vehicle if it is to be parked on City property,
- Employees wishing to exercise the same rights as other citizens on City property outside of normal working hours (e.g., walking on the trail system) cannot carry a concealed weapon.
- Employees who have reason to fear for their personal safety (e. g. being stalked) cannot carry a weapon between the office and a City owned parking facility.
- City employees cannot defend themselves and/or others when threatened or assaulted.

I have been asked to address these concerns. In reaction to the issue of how the current policy was adopted, I believe that it is appropriate that City

Council adopt whatever changes, if any, it deems necessary. This memorandum suggests three options for Council:

1. Endorse the current policy without amendment.
2. Adopt an amended policy that would allow City employees to carry concealed weapons on City property.
3. Adopt an amended policy that, while stopping short of allowing city employees to carry concealed weapons on City property, addresses some of the practical concerns that have been raised.

I recommend option #3.

The feedback that I have received from City staff is strongly (but not unanimously) opposed to allowing City employees to carry concealed weapons in the workplace. Many City employees would be very uncomfortable knowing that a co-worker was or might be carrying a weapon. I have been told that the current policy was adopted in response to serious concerns about possible workplace violence, more from co-workers than from the public, and that the policy and the extensive training that followed significantly reduced those fears. That training focused on the way to deal with violence or threats of violence in an appropriate manner without escalation.

It is not out of the ordinary for employers to place conditions on employment that limit employees' rights. For example, employees are limited in expression regarding clothing, grooming, and what they might say or read. This is considered to be simply a matter of an employer setting reasonable standards to ensure that the functions of the organization can be carried out efficiently and effectively. Prohibiting employees from carrying weapons is a fairly standard restriction. An inquiry by the City Attorney determined that the following jurisdictions prohibit employees from carrying weapons: Albemarle County, Newport News, Manassas, Alexandria, Henrico County, Prince William County, York County, Charlottesville, and Hanover County. No locality reported having a policy that explicitly allows employees to carry concealed weapons.

I will be prepared to discuss this matter further with Council during its work session.

CC: Leadership Team

Attachments



City of Lynchburg Online Policy System

Policy Document

DOCUMENT INFORMATION

Document Information

Subject: Workplace Violence	Last Updated: 07/12/200 1	Year(s) to next review: 3
Category: Risk Management	Effective Date: 09/15/2000	Optional Reviewer(s):
Sub-Category: Safety	Supersedes/Amends: "Violence and Weapons"	

I. POLICY

A. Policy Statement:

The City of Lynchburg is committed to maintaining a safe, healthy work environment where employees, visitors and customers are free from the threat of workplace violence. No employee shall engage in any act, on City property, while performing work-related duties or involving persons related to City employment, that threatens the safety of an employee, visitor or customer, affects the health, life or well-being of an employee, visitor or customer or results in damage to City or customer property. Such actions and incidents will not be tolerated under any circumstances. If such an incident occurs, anyone found to have violated this policy will be subject to disciplinary action, which may include termination.

B. Applicability:

The City of Lynchburg Workplace Violence policy applies to all classified, wage and temporary employees regardless of funding, status or category and to all volunteers, unpaid interns or others working under the supervision of the City.

II OBJECTIVE

A. Policy Objective:

The purpose of this policy is to prevent workplace violence.

B. Background:

Incidents of workplace violence are a potential threat to the safety and well-being of City of Lynchburg employees, visitors and customers. Experience has shown that the problem of workplace violence is largely preventable through the development, implementation and communication of clear, consistent policies and procedures. This policy and set of procedures outlines the City's position on acts of violence, descriptions of inappropriate behaviors, the process for reporting and investigating alleged instances of such behavior and consequences of engaging in such behavior.

III. PROCEDURES

Organizational Responsibility: The City will actively support the prevention of workplace violence through the allocation of appropriate resources for assessment, training and intervention. The City takes acts or threats of workplace violence seriously and will promptly investigate and act on reports of acts or threats. While unfounded or vindictive accusations of workplace violence will not be tolerated, no one who reports a valid incident will be subject to reprisals or retaliation. The City will establish and maintain a core Threat Assessment Team comprised of representatives of the City Manager, Human Resources, Risk Management, Police and the Employee Assistance of Central Virginia (EACV).

Departmental Responsibility: Each City Department and/or Division shall work with Risk Management and the

Police Department to complete a site assessment and take appropriate action to correct to the extent possible based on available resources, any physical problems that may create potential safety hazards. Within sixty (60) days of receiving the final report of the assessment, each Department shall develop a *Departmental Safety Plan* and submit it to the Threat Assessment Team, through the Risk Manager, for approval. The Plan shall contain specific safety practices and procedures that, when followed, reduce the threat of workplace violence. The *Departmental Safety Plan* shall be distributed and communicated to each employee within the Department.

Managerial Responsibility: Managers and supervisors shall work in partnership with employees to maintain a safe, effective working environment. Managers and supervisors shall attend training on identifying and defusing workplace conflicts.

Managers and supervisors must intervene when they see behavior or actions in conflict with this policy regardless of the person engaging in such behavior. Managers and supervisors shall immediately notify the police and a member of the Threat Assessment Team if an incident of workplace violence is reported, is suspected of occurring or has actually occurred. Managers and supervisors shall follow up with employees to ensure that safety practices and procedures are consistently followed.

Employee Responsibility: Employees are expected to treat other people and property with respect. In most cases employees perform as expected and demonstrate conduct that reflects credit upon themselves, their coworkers and the City of Lynchburg. When employees fail to conduct themselves in such a manner it may become necessary to intervene as a means of correcting the behavior or ending the employment relationship. In the event of immediate threat or commission of a crime, employees shall immediately call the Police Department. Employees are expected to promptly report threats or incidents of workplace violence to their supervisor. When there is imminent danger to persons or property, employees are encouraged to take reasonable action to safeguard persons or property without putting themselves or others in danger.

Prohibited Behavior: In keeping with this policy, the City of Lynchburg prohibits any employee from engaging in acts of violence. Such acts include, but are not limited to:

Verbally or physically threatening, intimidating, coercing, harassing or assaulting an employee, visitor, customer or citizen.

Sexually harassing an employee, visitor, customer or citizen.

Carrying or concealing a weapon of any kind, or any other object that is used for the purpose of injury or intimidation, on city property, including city owned parking lots, city owned or leased vehicles, buildings or property, unless required by official job duties (such as a police officer), even if the employee has a concealed weapon permit. Prohibited weapons include but are not limited to any rifle, shotgun, pistol, revolver, or any weapon designed or intended to propel a missile of any kind, switchblade knife, bowie knife ballistic knife, any knife with a blade longer than four (4) inches, straight razor, metal knuckles, blackjack or similar object.

Allowing unauthorized persons access to City property without appropriate permission.

Using, duplicating or possessing keys to buildings, offices or other city property without authorization.

Behavior that violates the organization or another person such as stealing, or attempting to steal, City property or the property of an employee, visitor, customer or citizen.

Acts that damage, or attempting to damage, City property or the property of an employee, visitor, customer or citizen

Reporting and Investigating Procedures: Any employee who has been threatened, is a victim of a violent act, witnesses any threats or violent acts, or learns of threats or violent acts, must report such activity to his/her supervisor and the police immediately. An employee may also report an incident by calling Human Resources. Each report will be promptly evaluated and investigated by the Threat Assessment Team in conjunction with representatives from the affected City department.

Threat Assessment Team: The City will establish and maintain a core Threat Assessment Team comprised of representatives of the City Manager, Human Resources, Risk Management, Police and EACV. The core team will be joined by a representative from the affected department in the case of an incident of workplace violence. The team members will be appointed by the City Manager to serve for a two year period. The team's responsibilities include working with individual departments to evaluate and investigate reported threats and concerns to determine the type of intervention or follow-up action needed. The team is empowered to make decisions and take action within the guidelines of this policy and may request law enforcement intervention if necessary. The current members of the Threat Assessment Team are included in the attachment below.

Confidentiality: Information about an incident of workplace violence will be shared only with those supervisors or managers with a legitimate need to know.

IV. ADMINISTRATION

A. Office of Primary Responsibility:
Risk Management

V. ATTACHMENTS

A. Attached Files:

Additional information about specific procedures to be followed in the event of a workplace violence incident is attached below. Basic information about warning signs and appropriate behavior is also attached.



workplace violence att WPV Warning S Threat Assessment team.

Option #2

Prohibited Behavior: In keeping with this policy, the City of Lynchburg prohibits any employee from engaging in acts of violence. Such acts include, but are not limited to:

Verbally or physically threatening, intimidating, coercing, harassing or assaulting an employee, visitor, customer or citizen.

Sexually harassing an employee, visitor, customer or citizen.

~~Carrying or concealing~~Using, threatening to use, or displaying a weapon of any kind, or any other object that is used for the purpose of injury or intimidation, on city property,; including city owned parking lots, city owned or leased vehicles, buildings or property, unless required by official job duties (such as a police officer), even if the employee has a concealed weapon permit. Prohibited weapons include but are not limited to any rifle, shotgun, pistol, revolver, or any weapon designed or intended to propel a missile of any kind, switchblade knife, bowie knife, ballistic knife, any knife with a blade longer than four (4) inches, straight razor, metal knuckles, blackjack or similar object.

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Acts that damage, or attempting to damage, City property or the property of an employee, visitor, customer or citizen

Possession of Weapons on City Property

City employees are prohibited from possessing a weapon of any kind on or in City property, including city owned parking lots, city owned or leased vehicles, buildings or property, during the normal course of their duties unless required by official job duties (such as a police officer) or when in compliance with Section 18.2-308 of the Code of Virginia, 1950, as amended. Prohibited weapons include but are not limited to any rifle, shotgun, pistol, revolver, or any weapon designed or intended to propel a missile of any kind, switchblade knife, bowie knife, ballistic knife, any knife with a blade longer than four (4) inches, straight razor, metal knuckles, blackjack or similar object.

An employee who chooses to carry a concealed weapon in compliance with Section 18.2-308 of the Code of Virginia, 1950, as amended, accepts full responsibility for the safety, security and use of that weapon. The employee shall ensure that the weapon is in his or her possession or is otherwise secured on or in their personal property at all

times. Weapons are not to be kept or stored on or in City owned vehicles, desks, lockers, vaults or other storage facilities for any period of time. Under no circumstances are City employees authorized to use a concealed weapon in the performance of their jobs, unless required by official job duties (such as a police officer).

Option #3

Prohibited Behavior: In keeping with this policy, the City of Lynchburg prohibits any employee from engaging in acts of violence. Such acts include, but are not limited to:

Verbally or physically threatening, intimidating, coercing, harassing or assaulting an employee, visitor, customer or citizen.

Sexually harassing an employee, visitor, customer or citizen.

~~Carrying or concealing~~ Using, threatening to use, or displaying a weapon of any kind, or any other object that is used for the purpose of injury or intimidation, ~~including city owned parking lots, city owned or leased vehicles, buildings or property, unless required by official job duties (such as a police officer), even if the employee has a concealed weapon permit. Prohibited weapons include but are not limited to any rifle, shotgun, pistol, revolver, or any weapon designed or intended to propel a missile of any kind, switchblade knife, bowie knife, ballistic knife, any knife with a blade longer than four (4) inches, straight razor, metal knuckles, blackjack or similar object.~~

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Acts that damage, or attempting to damage, City property or the property of an employee, visitor, customer or citizen

Possession of Weapons on City Property

With the exception of the situations outlined below, City employees are prohibited from possessing a weapon of any kind on or in City property, including city owned parking lots, city owned or leased vehicles, buildings or property, unless required by official job duties (such as a police officer). Prohibited weapons include but are not limited to any rifle, shotgun, pistol, revolver, or any weapon designed or intended to propel a missile of any kind, switchblade knife, bowie knife, ballistic knife, any knife with a blade longer than four (4) inches, straight razor, metal knuckles, blackjack or similar object.

The prohibition against City employees possessing weapons on City property shall not apply in the following circumstances:

- The keeping of legal weapons in locked private vehicles for lawful purposes.

- Outside of normal working hours and when holding a concealed weapon permit in compliance with Section 18.2-308 of the Code of Virginia, 1950, as amended.
- When holding a concealed weapon permit, in compliance with Section 18.2-308 of the Code of Virginia, 1950, as amended, and having been granted a waiver by the City Manager for purposes of personal safety.

Option #2 (Amended)

Prohibited Behavior: In keeping with this policy, the City of Lynchburg prohibits any employee from engaging in acts of violence. Such acts include, but are not limited to:

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Sexually harassing an employee, visitor, customer or citizen.

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Possession of Weapons on City Property

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The prohibition against City employees possessing weapons on City property shall not apply to the keeping of legal weapons in locked private vehicles for lawful purposes.

An employee who chooses to carry a concealed weapon in compliance with Section 18.2-308 of the Code of Virginia, 1950, as amended, accepts full responsibility for the safety, security and use of that weapon. The employee shall ensure that the weapon is in his or her possession or is otherwise secured on or in his or her personal property at all times. Weapons are not to be kept or stored on or in City owned vehicles, desks, lockers, vaults or other storage facilities for any period of time. Under no circumstances are City employees authorized to use a concealed weapon in the performance of their jobs, unless required by official job duties (such as a police officer).

Option #4

Prohibited Behavior: In keeping with this policy, the City of Lynchburg prohibits any employee from engaging in acts of violence. Such acts include, but are not limited to:

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Sexually harassing an employee, visitor, customer or citizen.

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